

REMARKS

Claims 1-46 are cancelled. New claims 47-91 are added and now active in this case.

REQUEST FOR RECONSIDERATION

Applicants wish to thank Examiner Fernandez and Mantis-Mercader for the helpful and courteous discussion conducted with their U.S. representative, Mr. William Beaumont, on September 13, 2007. In accordance therewith, claims 1-46 are cancelled, and new claims 47-93 are added herewith. Applicants wish to make the following additional remarks.

Claims 1, 3, 9, 11, 13, 14, 20, 21, 23, 24, 32 and 44 stand rejected under 35 U.S.C. 102(b) as being anticipated by Bouricius et al. (U.S. 5,960,089). However, this reference fails to either disclose or suggest the subject matter of the indicated claims.

In particular, Bouricius device is not designed to provide a dual detection according to the present invention as claimed, since no convergence of reception of the ultrasonic and stethoscopic signals is by nature possible with the prior art device. See Figure 1 of the reference

More specifically, the Bouricius device can only provide, alternatively, stethoscopic and Doppler signals: Indeed, by construction, the Bouricius apparatus is configured with two distinct bells, an ultrasound (22) and an acoustic bell (26). The bells have a common axis (61) but they are attached according to an opposite configuration and sides to the turret (42) (see col. 6 lines 2-4). Thus, the user can change between the handling of the ultrasound bell (22) or the acoustic bell (26) to listen a patient (col. 5, lines 33-35). See Figure 1, id.

Thus, the Bouricius apparatus configuration is actually opposed to obtaining simultaneous and localized convergence of the stethoscopic and Doppler investigations without having to move or turn the housing during the examinations according to the "dual detection" meaning of the present invention (see paragraph [0011] of the U.S. publication of the present application.

Thus, Bouricius would fail to guide one skilled in the art to attain the claimed invention.

Furthermore, it appears that the purpose of Bouricius is to provide connected bells in order to make the ultrasounds bell removably attached. Such an advantage is incompatible with

the advantages searched by the present invention which are to obtain simultaneous and localized convergence signals. Clearly, one skilled in the art would not be put in possession of the claimed invention by Bouricius.

Additionally, the claimed apparatus is characterized, in part, by having an inclined probe and an earpiece arranged in the same housing. This claimed aspect is neither disclosed nor suggested by the cited reference.

Hence, this ground of rejection is unsustainable and should be withdrawn.

Claims 2, 10, 17, 18, 26, 29 and 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bouricius et al. in view of Lee et al. (U.S. 5,630,418).

However, Lee et al. fail to correct the deficiencies of Bouricius et al.

Notably, Lee et al. merely disclose an aqueous-based gel simply applied on the basis (21) of the probe (11), without any delivering means to provide a film of gel as is disclosed and claimed in the present application.

Perhaps more importantly, Lee et al. fail to correct the deficiencies of Bouricius.

Hence, this grand of rejection is unsustainable and should be withdrawn.

Claim 4 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bouricius et al. in view of Durley (U.S. 4,413,629).

However, Durley merely discloses an ultrasonic Doppler system for sensing movement and monitoring fetal heart rate, and clearly fails to correct the deficiencies of Bouricius et al.

Hence, this grand of rejection is unsustainable and should be withdrawn.

Claim 6 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bouricius et al. and Burton et al.

However, Burton et al. merely disclose a device for non-invasive measurement of cardiac output of a human by a pulse-Doppler; insonification technique, and clearly fail to correct the deficiencies of Bouricius et al.

Hence, this grand of rejection is unsustainable and should be withdrawn.

Claims 7-8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bouricius in view of Abreu (U.S. Pub. No. 2002/0049374).

However, this reference merely discloses a contact device for mounting on a body to measure bodily functions, and clearly fails to correct the deficiencies of Bouricius et al.

Hence, this grand of rejection is unsustainable and should be withdrawn.

Claims 15-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bouricius et al. in view of Sinofsky et al. (U.S. Patent No. 5,135,001).

However, Sinofsky et al. merely disclose instruments for insertion into body cavities for ultrasound imaging, and clear fail to correct the deficiencies of Bouricius et al.

Hence, this ground of rejection is unsustainable and should be withdrawn.

Claim 19 stnds rejected under 35 U.S.C. 103(a) as being unpatentable over Bouricius et al. in view of Kondo et al. (U.S. Patent No. 5,662,116).

However, Kondo et al. merely disclose a multi-plane electronic scan ultrasound probe, and clearly fail to correct the deficiencies of Bouricius et al.

Hence, this ground of rejection is unsustainable and should be withdrawn.

Claim 22 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bouricius et al. in view of Guckel et al. (U.S. Patent No. 5,644,177).

However, merely discloses micromechanical structures capable of actuation for fluid flow control, and clearly fail to correct the deficiencies of Bouricius et al.

Hence, this ground of rejection is unsustainable and should be withdrawn.

Claims 30-31 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bouricius et al. in view of Lee et al. in view of Christ et al.

However, Christ et al. merely disclose a handpiece for ophthalmic surgical procedures, and clearly fail to correct the deficiencies of Bouricius et al. and Lee et al., even in combination.

Hence, this ground of rejection is unsustainable and should be withdrawn.

Claims 33-34 stnd rejected under 35 U.S.C. 103(a) as being unpatentable over Bouricius et al. in view of Guracar et al. (U.S. Patent No. 6,086,539).

However, Guracar et al. merely disclose an ultrasound system, and clearly fail to correct the deficiencies of Bouricius et al.

Hence, this ground of rejection is unsustainable and should be withdrawn.

Claim 35 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Bouricius et al. in view of Guracar et al. in view of Abreu.

However, in view of the above comments regarding each of these references, it is

believed that even the combined disclosures would fail to correct the deficiencies of Bouricius et al.

Hence, this ground of rejection is deemed unsustainable and should be withdrawn.

Claims 45-46 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bouricius et al. in view of Martin (U.S. Patent No. 5,390,679).

However, Martin discloses a system for determining vascular system values, and clearly fails to correct the deficiencies of Bouricius et al.

Hence, this ground of rejection is unsustainable and should be withdrawn.

Accordingly, it is urged in view of all of the above, that all prior art rejections should be withdrawn.

Thus, this ground of rejection is unsustainable and should be withdrawn.

Claims 36-42 stand objected to under 37 C.F.R. 1.75(c).

In view of the above amendments, however, this ground of rejection is moot.

Claims 22, 29-32 and 33 stand objected to.

In view of the above amendments, however, this ground of rejection is moot.

Accordingly, in view of all of the above, it is urged that this application is now in condition for allowance. Early notice to this effect is earnestly solicited.

In the event any further matters requiring attention are noted by Examiner or in the event that prosecution of this application can otherwise be advanced thereby, a telephone call to Applicants' undersigned representative at the number shown below is invited.

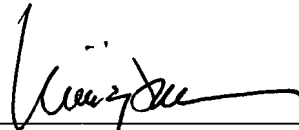
Applicant hereby petitions for the Commissioner to charge any additional fees or any underpayment of fees which may be required to maintain the pendency of this case or credit any overpayment to Deposit Account No. 04-1061.

Respectfully submitted,

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Date: September 17, 2007

By



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